

# EXHIBIT A

FILED Received for Filing Oakland County Clerk 10/8/2020 11:06 AM

Approved, SCAO	Original - Court 1st copy - Defendant	2nd copy - Plaintiff 3rd copy - Return
STATE OF MICHIGAN 6th JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY PROBATE	SUMMONS	CASE NO. 2020-183931-NO 20- -NO JUDGE MICHAEL WARREN
Court address 1200 N. Telegraph Rd., Dept 404, Pontiac, MI 48340	Court telephone no. (248) 858-0344	
Plaintiff's name(s), address(es), and telephone no(s). William Hudson	Defendant's name(s), address(es), and telephone no(s). Books-A-Million, Inc. c/o The Corporation Company 40600 Ann Arbor Road, E., Ste. 201 Plymouth, MI 48170	
Plaintiff's attorney, bar no., address, and telephone no. Law Offices of Todd J. Stearn P.C. Todd J. Stearn P51496 29829 Greenfield, Suite 101 Southfield, MI 48076 248-744-5000/248-744-5002 (Fax)	This case has been designated as an eFiling case. To review a copy of the Notice of Mandatory eFiling visit <a href="http://www.oakgov.com/efiling">www.oakgov.com/efiling</a> .	

Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (form MC 21). The summons section will be completed by the court clerk.

**Domestic Relations Case**

- There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (form MC 21) listing those cases.
- It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

**Civil Case**

- This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.
- MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
- There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has

been previously filed in  this court,  \_\_\_\_\_ Court, where

it was given case number \_\_\_\_\_ and assigned to Judge \_\_\_\_\_

The action  remains  is no longer pending.

Summons section completed by court clerk.

**SUMMONS**

**NOTICE TO THE DEFENDANT:** In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to file a **written answer with the court** and serve a copy on the other party or take other lawful action with the court (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date 10/8/2020	Expiration date* JAN 07 2021	Court clerk Lisa Brown
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\*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

**SUMMONS**

Case No. 20-

-NO

TO PROCESS SERVER: You are to serve the summons and complaint not later than 91 days from the date of filing or the date of expiration on the order for second summons. You must make and file your return with the court clerk. If you are unable to complete service you must return this original and all copies to the court clerk.

**CERTIFICATE / AFFIDAVIT OF SERVICE / NONSERVICE** **OFFICER CERTIFICATE**

I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party (MCR 2.104[A][2]), and that: (notarization not required)

**OR** **AFFIDAVIT OF PROCESS SERVER**

Being first duly sworn, I state that I am a legally competent adult, and I am not a party or an officer of a corporate party (MCR 2.103[A]), and that: (notarization required)

I served personally a copy of the summons and complaint,  
 I served by registered or certified mail (copy of return receipt attached) a copy of the summons and complaint,

together with \_\_\_\_\_  
 List all documents served with the summons and complaint \_\_\_\_\_

on the defendant(s): \_\_\_\_\_

Defendant's name	Complete address(es) of service	Day, date, time

I have personally attempted to serve the summons and complaint, together with any attachments, on the following defendant(s) and have been unable to complete service.

Defendant's name	Complete address(es) of service	Day, date, time

I declare under the penalties of perjury that this proof of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee \$	Miles traveled \$	Fee \$	Signature
Incorrect address fee \$	Miles traveled \$	Fee \$	TOTAL FEE \$

Name (type or print)

Title

Subscribed and sworn to before me on \_\_\_\_\_, \_\_\_\_\_ County, Michigan.  
 Date \_\_\_\_\_

My commission expires: \_\_\_\_\_ Signature: \_\_\_\_\_  
 Date \_\_\_\_\_ Deputy court clerk/Notary public

Notary public, State of Michigan, County of \_\_\_\_\_

**ACKNOWLEDGMENT OF SERVICE**

I acknowledge that I have received service of the summons and complaint, together with \_\_\_\_\_  
 Attachments \_\_\_\_\_

on \_\_\_\_\_, \_\_\_\_\_ Day, date, time \_\_\_\_\_

on behalf of \_\_\_\_\_

Signature \_\_\_\_\_

This case has been designated as an eFiling case. To review a copy of the Notice of Mandatory eFiling visit [www.oakgov.com/efiling](http://www.oakgov.com/efiling).

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

WILLIAM HUDSON,

Plaintiff,

2020-183931-NO

Case No. 20-  
-NO

HON. JUDGE MICHAEL WARREN

v

BOOKS-A-MILLION, INC.,

Defendants.

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LAW OFFICES OF TODD J. STEARN, P.C.

Todd J. Stearn (P51496)

Attorneys for Plaintiff

29829 Greenfield Road, Ste. 101

Southfield, MI 48076

(248) 744-5000/(248) 744-5002 Fax

todd@tjslawfirm.com

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LAW OFFICES OF TODD J. STEARN, P.C.

There is no other civil action between these parties arising out of the same transaction or occurrence alleged in this Complaint pending in this court, nor has any such action been previously filed and dismissed or transferred after having been assigned to a judge.

/s/ Todd J. Stearn  
Todd J. Stearn (P51496)

**COMPLAINT**

NOW COMES the Plaintiff, WILLIAM HUDSON, by and through his attorneys, LAW OFFICES OF TODD J. STEARN, P.C., and for his complaint against the above-named Defendant states unto this Honorable Court as follows:

**JURISDICTION AND VENUE**

1. The Plaintiff, WILLIAM HUDSON, is a resident of the City of Auburn Hills, County of Oakland and State of Michigan.

2. For all relevant times, the above-named Defendant, BOOKS-A-MILLION, INC. was a duly incorporated foreign corporation and was in possession and control of a property commonly known as 2<sup>nd</sup> & Charles and located at 3924 Baldwin Rd., in the City of Auburn Hills, County of Oakland and State of Michigan. The resident agent is the Corporation Company located at 40600 Ann Arbor Rd., E., Ste. 201, Plymouth, MI 48170

3. This cause of action occurred in the City of Auburn Hills, County of Oakland and State of Michigan.

4. The amount in controversy herein exceeds Twenty-Five Thousand Dollars (\$25,000.00), exclusive of interest, costs and attorney's fees.

**GENERAL ALLEGATIONS**

5. On or about August 6, 2019, the Defendant was in possession and control of a parking lot located at 3924 Baldwin Road in the City of Auburn Hills, County of Oakland and State of Michigan (hereinafter "the Premises").

6. On said date, an agent or employee of the Defendant instructed the Plaintiff to use a particular shopping cart.

7. On said date, while a business invitee of the Defendant, and while using said cart, the Plaintiff encountered a depression/rut in the parking lot which caused the cart to come to an abrupt stop and caused the Plaintiff to fall to the ground.

8. The Plaintiff fell and was injured as a direct and proximate result of the depression / rut in the parking lot.

9. At all times herein mentioned and at the time of the committing of the grievances by the Defendant and the sustaining of injuries by the Plaintiff as herein alleged, the Defendant was responsible for maintaining the Premises.

10. For all relevant times, the Defendant then and there induced the public, specifically Plaintiff, to believe that the Premises, entrances and approaches thereof, and every part of the said Premises, were conducted and kept and maintained in a safe and proper condition.

11. The Defendant knew or should have known of a dangerous condition created by depression / rut in said parking lot.

12. Defendant knew or should have known that the Plaintiff did not know of the dangerous condition or that Plaintiff would not take steps to protect himself.

13. At all times herein mentioned, Plaintiff was in the exercise of due care and caution and free from negligence on Plaintiff's part.

14. The Defendant owed a duty to Plaintiff, and, notwithstanding said duties, Defendant did violate and breach the same in the following particulars:

- a. Failing to maintain the premises in a safe and reasonable way.
- b. Failing to take reasonable steps for the prevention of injuries and to warn its invitees of potential foreseeable dangers.
- c. Failing to warn Plaintiff of all reasonably foreseeable dangers;
- d. Failing to provide notice or warning to the Plaintiff, who was lawfully upon the Premises, of the dangerous and hazardous condition that Defendant knew, or should have known, existed on the Premises;
- e. Failing to inspect and maintain the Premises in a reasonably safe condition so as not to create a dangerous and hazardous condition for persons who were upon the premises;
- f. Failing to warn the Plaintiff of the dangerous condition that existed upon the Premises when Defendant knew, or should have known, that Plaintiff had no way of knowing of the dangerous condition;

- g. Failing to hire and employ personnel or staff that would properly maintain the Premises and not allow a dangerous and hazardous condition to remain in the parking lot;
- h. Such other breaches of the standard of care as are discovered throughout the course and scope of this case.

15. As a result of the negligence of the Defendant as aforementioned, Plaintiff sustained injuries, which injuries have caused Plaintiff pain, suffering, disability and mental anguish, to wit:

- a. Fractured left wrist requiring an open reduction with internal fixation;
- b. Ongoing left wrist pain;
- c. Right shin pain;
- d. Such other injuries as are discovered throughout the course and scope of this case.

16. Defendant's negligence may have exacerbated a pre-existing condition from which the Plaintiff suffered.

17. As a direct and proximate result of the negligence, and carelessness of the Defendant, the Plaintiff has sustained injuries which include, but are not limited to:

- a. lost wages, past and future;
- b. lost potential for employment promotions and advancements.
- c. loss due to decreased effectiveness at employment;
- d. pain, and suffering, past and future, including but not limited to:
  - 1) physical pain and suffering;
  - 2) mental anguish;
  - 3) denial of social pleasure;
  - 4) embarrassment, humiliation and mortification;
- e. Medical expenses, past, present and future;
- f. Such other damages as are allowable by Michigan law.

WHEREFORE, Plaintiff respectfully prays that this Court enter judgment in favor of Plaintiff and against the Defendant, in an amount that the jury or Court determines to be fair, just and adequate compensation for the injuries and damages sustained by the Plaintiff.

Respectfully submitted,

LAW OFFICES OF TODD J. STEARN, P.C.

/s/ Todd J. Stearn  
Todd J. Stearn (P51496)  
Attorney for Plaintiff  
29829 Greenfield Road, Ste. 101  
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(248) 744-5000/(248) 744-5002 Fax

Dated: October 7, 2020

LAW OFFICES OF TODD J. STEARN, P.C.